

# EXHIBIT 3

Hearing

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PHILLIPS, L.G., LCD CO., LTD, )  
 )  
Plaintiffs, ) C.A. No. 04-343(JJF)  
 )  
v. )  
 )  
TATUNG CO., TATUNG COMPANY OF )  
AMERICA, INC., and VIEWSONIC )  
CORPORATION, )  
 )  
Defendants. )

Hearing of above matter taken pursuant to  
notice before Renee A. Meyers, Registered Professional  
Reporter and Notary Public, in the law offices of BLANK  
ROME, LLP, 1201 North Market Street, Wilmington,  
Delaware, on Thursday, December 28, 2006, beginning at  
approximately 11:30 p.m., there being present:

BEFORE: VINCENT J. POPPITI, SPECIAL MASTER

APPEARANCES:

THE BAYARD FIRM  
RICHARD D. KIRK, ESQ.  
222 Delaware Avenue, Suite 900  
Wilmington, Delaware 19899  
for Plaintiffs

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## Hearing

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<p>1 APPEARANCES (Continued):  2 MCKENNA, LONG &amp; ALDRIDGE, LLP  3 CASS W. CHRISTENSON, ESQ.  4 REL S. AMBROZY, ESQ.  5 JESSE KOKRDA, ESQ.  6 CORMAC CONNOR, ESQ.  7 1900 K Street, N.W.  8 Washington, D.C. 20006  9 for Plaintiffs</p> <p>10 RICHARDS LAYTON &amp; FINGER  11 FREDERICK L. COTTRELL, III  12 One Rodney Square  13 Wilmington, Delaware 19801  14 for Defendant Tatung Co.</p> <p>15 GREENBERG TRAURIG LLP  16 FRANK MERIDETH, ESQ.  17 2450 Colorado Avenue, Suite 400E  18 Santa Monica, California 90404  19 for Defendant Tatung Company of America, Inc.</p> <p>20 CONNOLLY BOVE LODGE &amp; HUTZ LLP  21 JEFFREY B. BOVE, ESQ.  22 JACQUELINE MASON, ESQ.  23 1007 North Orange Street  24 Wilmington, Delaware 19899  for Defendant Viewsonic Corporation</p> <p>BINGHAM MCCUTCHEN LLP  SCOTT R. MILLER, ESQ.  355 South Grand Avenue  Los Angeles, California 90071-3106  for Defendant Viewsonic Corporation</p>	<p>1 approximately two hours so that we can take a break and  2 make sure that anyone who needs to refresh themselves can  3 do that. And that break, I would expect a half hour,  4 unless someone suggests that we are going to need more  5 time than a half hour. So I would be looking to break  6 around 1:30.</p> <p>7 Does anyone have any problem with that?  8 MR. BOVE: Jeff Bove for Viewsonic.  9 That's fine, your Honor.</p> <p>10 MR. COTTRELL: Fred Cottrell. I have  11 another call at 2:00, which won't go very long, so I can  12 just jump back in, hopefully, only a few minutes after  13 our break.</p> <p>14 SPECIAL MASTER POPPITI: Thank you.  15 That's fine.</p> <p>16 MR. BOVE: Jeff Bove. Also, since I  17 have Jacqueline Mason with me, with the Court's  18 permission, once we got started, I was going to request  19 your Honor's permission to be excused. I am next door  20 and am available, but I will not be arguing today. Scott  21 Miller will be.</p> <p>22 SPECIAL MASTER POPPITI: I have no  23 problem with that at all.  24 MR. BOVE: Your Honor, one --</p>
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<p>1 MR. BOVE: Your Honor, this is Jeff Bove  2 from Connolly Bove representing Viewsonic, along with  3 Jacqueline Mason and my partner Scott Miller from  4 Los Angeles.</p> <p>5 MR. COTTRELL: And, your Honor, Fred  6 Cottrell at Richards Layton in Wilmington for Tatung, and  7 on the phone from Greenberg Traurig, Frank Merideth.</p> <p>8 SPECIAL MASTER POPPITI: Next, please.</p> <p>9 MR. KIRK: Dick Kirk from The Bayard  10 Firm here in Wilmington for the plaintiff LG Phillips LCD  11 Company, Ltd., and with me on the line from Washington,  12 and perhaps elsewhere, from McKenna Long &amp; Aldridge are  13 Cass Christenson, Rel, R-e-l, Ambrozy, Derek Auito, and  14 Jesse Kokrda, K-o-k-r-d-a, and Cormac Connor,  15 C-o-r-m-a-c.</p> <p>16 SPECIAL MASTER POPPITI: Thank you,  17 Mr. Kirk.</p> <p>18 Then thank you, counsel, and good  19 morning as we come up shortly to noon.</p> <p>20 Let's do some housekeeping first, if you  21 will, with respect to today's proceeding.</p> <p>22 I would propose that, for purposes of  23 making sense of what I expect is going to be a fairly  24 healthy workday with you all, that we go for a period of</p>	<p>1 SPECIAL MASTER POPPITI: Please identify  2 yourselves each time.</p> <p>3 MR. BOVE: Jeff Bove again.</p> <p>4 SPECIAL MASTER POPPITI: Thank you,  5 Mr. Bove.</p> <p>6 MR. BOVE: One other point of  7 housekeeping, and I am sure everyone will want to weigh  8 in on this, particularly your Honor, which is the manner  9 in which the Court would propose to tackle these motions  10 today.</p> <p>11 Obviously, from Viewsonic's standpoint,  12 we have been thinking about it, and would toss the  13 proposal out for your Honor's consideration, obviously  14 for comment by all on the phone, which is to go, frankly,  15 motion by motion, request by request.</p> <p>16 As I understand, the Court does have  17 rather extensive written submissions of the parties, and  18 we were thinking, again, obviously, subject to your  19 Honor's views, that perhaps some reasonable closure on  20 oral argument, per discovery requests, might be  21 appropriate in order to give hope of completing the task  22 today.</p> <p>23 I simply offer that as a suggestion,  24 and, obviously, defer completely to your Honor's view.</p>

## Hearing

20 (Pages 74 to 77)

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<p>1 haven't looked at them for that issue, unfortunately.</p> <p>2 SPECIAL MASTER POPPITI: I understand</p> <p>3 that. How many agreements to we expect?</p> <p>4 MR. AMBROZY: We would look through at</p> <p>5 least the three most recent, your Honor.</p> <p>6 SPECIAL MASTER POPPITI: And how many</p> <p>7 are there in the universe of agreements?</p> <p>8 MR. MILLER: I believe there is probably</p> <p>9 on the order of a dozen agreements.</p> <p>10 SPECIAL MASTER POPPITI: Okay. So, you</p> <p>11 know, the task is not significant to compare that</p> <p>12 language.</p> <p>13 MR. AMBROZY: In regard to the rest of</p> <p>14 the motion, your Honor?</p> <p>15 SPECIAL MASTER POPPITI: Yeah, please.</p> <p>16 MR. AMBROZY: We had also sought</p> <p>17 production of actual monitors.</p> <p>18 SPECIAL MASTER POPPITI: Right.</p> <p>19 MR. AMBROZY: And we wanted to just</p> <p>20 address that with your Honor in that Viewsonic initially</p> <p>21 provided -- initially agreed that they would provide</p> <p>22 monitors but only for the accused devices, and as your</p> <p>23 Honor knows, that started out with the VX 900 and then</p> <p>24 it, as the case progressed, just recently, LPL has</p>	<p>1 most companies, doesn't keep products that have gone out</p> <p>2 of sale in inventory, hopefully, in order to be</p> <p>3 successful. And, so, we are talking about a list of</p> <p>4 products that dates back over four years.</p> <p>5 The only products Viewsonic would have</p> <p>6 are products that are currently being sold or offered for</p> <p>7 sale in the United States. It doesn't maintain a museum,</p> <p>8 if you will, of old inventory.</p> <p>9 SPECIAL MASTER POPPITI: Well, if you</p> <p>10 don't have them, you can't give them.</p> <p>11 MR. MILLER: We told them where they can</p> <p>12 locate them. And as to new products, we have declined to</p> <p>13 let them inspect them, we have offered to sell to them</p> <p>14 because if they open up the package and take them out,</p> <p>15 start taking them apart, they become a used product and</p> <p>16 that's a cost that they should bear, not us.</p> <p>17 With regard to if we have other products</p> <p>18 that are laying around for one reason or another, that</p> <p>19 may be a dead product or something, we have -- we are</p> <p>20 willing to try to collect whatever we can of ancient</p> <p>21 products and make those available for an inspection as</p> <p>22 well, but it's only been, from LPL's side, just the</p> <p>23 intransigents, Just give us everything or nothing, so we</p> <p>24 have not -- that has not progressed.</p>
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<p>1 supplemented its interrogatory responses to include, I</p> <p>2 think it was eight or nine other Viewsonic monitors.</p> <p>3 SPECIAL MASTER POPPITI: Right.</p> <p>4 MR. AMBROZY: And we can get into the</p> <p>5 specifics of that later when we talk about the preclusion</p> <p>6 application, but the monitors that we are seeking are all</p> <p>7 the monitors that Viewsonic listed in response to LPL's</p> <p>8 interrogatory requests, I think it's interrogatory</p> <p>9 request No. 2 and 3, where we asked them to identify all</p> <p>10 their monitors. And we were seeking production or at</p> <p>11 least inspection of those monitors.</p> <p>12 And in response, I think you have seen</p> <p>13 from the briefing on this, Viewsonic basically pointed</p> <p>14 LPL to its web site and said, You can buy whatever you</p> <p>15 need off the web site. And when we went to the web site</p> <p>16 and tried to buy those monitors, the sum total that we</p> <p>17 were able to buy, I think there was only about six</p> <p>18 percent of the numerous monitors listed in Viewsonic's</p> <p>19 response that we were able to purchase online.</p> <p>20 So, we would like some guidance from</p> <p>21 Your Honor as to how we can work with Viewsonic to attain</p> <p>22 all those monitors, or at least inspect them.</p> <p>23 SPECIAL MASTER POPPITI: Mr. Miller.</p> <p>24 MR. MILLER: Your Honor, Viewsonic, like</p>	<p>1 We are happy to sit down and try to work</p> <p>2 out a solution if there are, you know, dinosaurs laying</p> <p>3 around somewhere that they can look at, we are not</p> <p>4 intending to hide them. We are happy to let them look at</p> <p>5 them.</p> <p>6 MR. AMBROZY: I think that's why these</p> <p>7 documents that Jean are contractually obligated to keep</p> <p>8 from five years after the termination of that agreement</p> <p>9 becomes so important.</p> <p>10 SPECIAL MASTER POPPITI: We will get to</p> <p>11 Jean in a moment after I have the opportunity to do the</p> <p>12 work that I suggested I need to do.</p> <p>13 But with respect to the monitors,</p> <p>14 themselves, it seems to me what Mr. Miller is saying</p> <p>15 makes sense. I mean, if they have them, they said they</p> <p>16 are going to provide them. If they are new product, it</p> <p>17 seems to me that it is appropriate for you to purchase</p> <p>18 them. It should be at your cost.</p> <p>19 If there are dinosaurs laying around,</p> <p>20 then I will take Mr. Miller at his word that they will do</p> <p>21 a search, and at the end of that search, they will advise</p> <p>22 what they have for you to either inspect or even purchase</p> <p>23 a dinosaur if they are willing to -- if they are willing</p> <p>24 to let that go, and I would like some time frame as to</p>



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<p>1 when all of that occurs.</p> <p>2 I don't hear Mr. Miller saying that they</p> <p>3 are not going to make these available.</p> <p>4 MR. AMBROZY: Again, Your Honor, and I</p> <p>5 agree that they are not -- that he shouldn't be ordered</p> <p>6 to produce something that he cannot produce.</p> <p>7 SPECIAL MASTER POPPITI: Right.</p> <p>8 MR. AMBROZY: But getting back to our</p> <p>9 point, and I understand we will get back to the Jean, but</p> <p>10 that does make those documents the best available</p> <p>11 evidence of the monitors that were previously sold.</p> <p>12 SPECIAL MASTER POPPITI: It may be. But</p> <p>13 I want to focus on the hardware, if you will, and I would</p> <p>14 just like a representation from the both of you as to</p> <p>15 when you can expect there will be some resolution to the</p> <p>16 process of what exists, new product that will be</p> <p>17 purchased, old product that will either be inspected or</p> <p>18 purchased, and a representation by Mr. Miller that that</p> <p>19 does constitute the universe of expected -- of available</p> <p>20 product.</p> <p>21 MR. MILLER: Your Honor, I am happy to</p> <p>22 do that with dispassion. I can only make so many demands</p> <p>23 on my client in terms of the things we have agreed to for</p> <p>24 the 19th.</p>	<p>1 dinosaurs that are ours.</p> <p>2 SPECIAL MASTER POPPITI: Right.</p> <p>3 MR. MILLER: And are in our facilities.</p> <p>4 SPECIAL MASTER POPPITI: Is the date of</p> <p>5 the 26th doable?</p> <p>6 MR. AMBROZY: Just to clarify, Your</p> <p>7 Honor, when Mr. Miller says that he is looking at</p> <p>8 Viewsonic, does that include Viewsonic -- I am not sure</p> <p>9 of the proper name, Scott -- but Viewsonic America or the</p> <p>10 other entities of Viewsonic?</p> <p>11 MR. MILLER: I would be looking at</p> <p>12 Viewsonic America, which would be the only place I would</p> <p>13 expect to find the U.S. products. I mean, if we are</p> <p>14 going to expand this to overseas, it's going to take</p> <p>15 substantially longer.</p> <p>16 MR. AMBROZY: We will start with the</p> <p>17 U.S. products, but that brings, Your Honor, brings us to</p> <p>18 another point --</p> <p>19 SPECIAL MASTER POPPITI: No new points.</p> <p>20 We will keep it to what was asked for. I will look at</p> <p>21 the document that you are going to provide to me over the</p> <p>22 break, and if it becomes an issue that is looking</p> <p>23 overseas, we can join that issue at some other point.</p> <p>24 MR. MILLER: Your Honor, as to the 26th,</p>
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<p>1 This is going to be a, you know, a</p> <p>2 looking around for dinosaur kind of project. It's not</p> <p>3 going to be that straightforward. I am going to need</p> <p>4 some time, I would think, you know, until the end of</p> <p>5 January, perhaps, to get that list assembled. I mean,</p> <p>6 the products that are available for purchase obviously</p> <p>7 are on our web site and they can get those at any time</p> <p>8 they choose.</p> <p>9 SPECIAL MASTER POPPITI: And those that</p> <p>10 are available for purchase and if they are on the web</p> <p>11 site, that can be done right away.</p> <p>12 To search for dinosaurs, I mean, how</p> <p>13 many are we -- how many exist? Any idea?</p> <p>14 MR. MILLER: There is 216 products</p> <p>15 listed on our list, and we are looking through a, you</p> <p>16 know, five or 600,000 foot facility, which is warehouse</p> <p>17 and office and it may be on somebody's desk, that we are</p> <p>18 going to have to try to locate some of these things. So</p> <p>19 it's not a -- it's not just an easy task, I don't</p> <p>20 believe.</p> <p>21 SPECIAL MASTER POPPITI: And are we</p> <p>22 talking about dinosaurs that are yours or dinosaurs that</p> <p>23 may be in the possession of the OEMs?</p> <p>24 MR. MILLER: No. We are talking about</p>	<p>1 could I ask for the 29th to give me another weekend, if</p> <p>2 necessary, to scrounge around, please?</p> <p>3 SPECIAL MASTER POPPITI: 29th is fine.</p> <p>4 Okay. We are just about at 1:30. Did that finish that</p> <p>5 particular application?</p> <p>6 MR. AMBROZY: The only issue remaining,</p> <p>7 Your Honor, was the fact of the limitation to U.S. sales</p> <p>8 which we think is improper.</p> <p>9 We believe that our discovery should be</p> <p>10 responded to to include monitors that are imported to the</p> <p>11 U.S. as well as monitors that might go to Mexico, are</p> <p>12 assembled or put under a different brand name and then</p> <p>13 make their way into the United States. So just limiting</p> <p>14 the search to just monitors that are imported by</p> <p>15 Viewsonic into the United States, we think, is too</p> <p>16 narrow.</p> <p>17 SPECIAL MASTER POPPITI: Mr. Miller.</p> <p>18 MR. MILLER: I think we have retrenched</p> <p>19 to the motion I thought we had finished which was the</p> <p>20 information about sales. This was technical documents</p> <p>21 and those sorts of things.</p> <p>22 Is that what you are doing, Rel?</p> <p>23 MR. AMBROZY: No. I am trying to get</p> <p>24 before his Honor the proper scope of the requests, which</p>

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<p>1 inducement motion that you had -- that you had, as you</p> <p>2 had stated earlier, we would circle back to later.</p> <p>3 SPECIAL MASTER POPPITI: That's correct.</p> <p>4 MR. KIRK: Not to impose more work on</p> <p>5 you, I know that when we supplied things this afternoon</p> <p>6 at our break, we just supplied a case citation. I know</p> <p>7 Miss Mason supplied citations and a little bit of text</p> <p>8 arguing the cases.</p> <p>9 SPECIAL MASTER POPPITI: Yes.</p> <p>10 MR. KIRK: Might we have just a short</p> <p>11 amount where we could at least annotate our ideas in</p> <p>12 about the same length that she did.</p> <p>13 SPECIAL MASTER POPPITI: Yes.</p> <p>14 MR. KIRK: And we could do that</p> <p>15 tomorrow?</p> <p>16 SPECIAL MASTER POPPITI: Yes.</p> <p>17 MR. KIRK: Thank you, Your Honor.</p> <p>18 SPECIAL MASTER POPPITI: I really</p> <p>19 appreciate everyone's time and enduring attention for</p> <p>20 what we had to do today.</p> <p>21 I wish you all the best of the beginning</p> <p>22 of a new year. Stay safe and healthy and I look forward</p> <p>23 to working with you again on Wednesday of the new week.</p> <p>24 MR. CHRISTENSON: Thank you, Your Honor.</p>	<p>1 CERTIFICATE.</p> <p>2 STATE OF DELAWARE:</p> <p>3</p> <p>4 NEW CASTLE COUNTY:</p> <p>5 I, Renee A. Meyers, a Registered Professional</p> <p>6 Reporter, within and for the County and State aforesaid,</p> <p>7 do hereby certify that the foregoing hearing was taken</p> <p>8 before me, pursuant to notice, at the time and place</p> <p>9 indicated; that the hearing was correctly recorded in</p> <p>10 machine shorthand by me and thereafter transcribed under</p> <p>11 my supervision with computer-aided transcription; that</p> <p>12 the foregoing hearing is a true record of the hearing;</p> <p>13 and that I am neither of counsel nor kin to any party in</p> <p>14 said action, nor interested in the outcome thereof.</p> <p>15 WITNESS my hand this 29th day of December A.D.</p> <p>16 2006.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>RENEE A. MEYERS REGISTERED PROFESSIONAL REPORTER CERTIFICATION NO. 106-RPR (Expires January 31, 2008)</p>
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<p>1 MR. MILLER: Thank you, Your Honor.</p> <p>2 MS. MASON: Thank you.</p> <p>3 (The hearing was concluded at 6:17 p.m.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	